IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

WP(C).No. 24318 of 2007(T)

PETITIONER:

KUNHARAMUTTI HAJI,
MUTHUVAL NALAKATH HOUSE, P.O. TIRURANGADI,
MALAPPURAM DISTRICT, REPRESENTED BY HIS SON &
POWER OF ATTORNEY HOLDER, M.N.MUHAMMED MUSTAFFA
-DO- -DO-.

BY ADV. SRI.K.RAMACHANDRAN
SMT.R.MEERA

RESPONDENTS:

PADINJARE PEEDIAKKAL HAMZA,
S/O. AHAMMED KUTTY, PROPRIETOR,SANTHOSH INDUSTRIES
M.N. COMPLEX, CHEMMAD, MALAPPURAM DISTRICT.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR & HARUN-UL-RASHID, JJ.

WPC NO.24318 OF 2007-T

Judgment

Balakrishnan Nair, J.

The petitioner challenges Ext.P4 order of the Accommodation Controller passed under S.17(2) of the Kerala Buildings (Lease and Rent Control) Act, 1965. Against that order, the petitioner has got a statutory right of appeal under the provisions of the above said Act. Therefore, it is unnecessary for this Court to entertain this Writ Petition. The learned counsel for the petitioner points out that this Court can interfere in matters, even if there is a statutory remedy, provided the order is without jurisdiction. Whatever be the illegality attached to the order, the same can be raised before the appellate authority. Therefore, the Writ Petition is dismissed without prejudice to the contentions of the petitioner.

K.BALAKRISHNAN NAIR,JUDGE

10.08.2007 **HARUN-UL-RASHID, JUDGE**

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